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United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Civil No. 08cv0253-W(AJB)
Plaintiff,)
v.) JOINT MOTION FOR
\$5,230.00 IN U.S. CURRENCY,) JUDGMENT OF FORFEITURE
Defendant.)

The United States of America, by and through its counsel, Karen P. Hewitt, United States Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the claimant, Carl J. Chapman, Jr. (“Claimant”), agree as follows:

1. The parties have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendant, \$5,230.00 in U.S. Currency (“defendant currency”).

2. The parties have agreed to a settlement which is hereinafter described in its particulars.

3. \$3,500.00 of the defendant currency shall be forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881. Judgment shall be entered in favor of the United States on its complaint. The remainder of the defendant currency, \$1,730.00, shall be returned to Claimant.

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4. Costs incurred by the United States incident to the seizure and custody of the defendant currency, if any, shall be borne by the United States.

5. The person or persons who made the seizure or the prosecutor shall not be liable to suit or judgment on account of such seizure in accordance with Title 28, United States Code, Section 2465. Claimant agrees that by entering into this joint motion, he has not "substantially prevailed" within the meaning of 28 U.S.C. § 2465. Each party shall bear its own costs and expenses, including attorney fees.

6. Claimant warrants and represents as a material fact that he is the sole owner of the defendant currency and further warrants that no other person or entity has any right, claim or interest in the defendant, and that he will defend and indemnify the United States against any and all claims made against it on account of the seizure and forfeiture of the defendant currency.

7. The Claimant, his agents, employees, or assigns, shall hold and save harmless the United States of America, its agents and employees, from any and all claims which might result from the seizure of the defendant.

8. Following forfeiture of the United States' portion and distribution of the Claimant's portion of the defendant currency as described above, the case shall be closed.

DATED: 4-10-08

KAREN P. HEWITT
United States Attorney

David McNeese

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United States of America
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DATED: 4/15/08



CARL J. CHAPMAN, JR.
Claimant

Joint Motion for Judgment of Forfeiture
United States v. \$5,230.00 in U.S. Currency
Civil No. 08cv0253-W(AJB)